

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JOHN NEMETZ,

Petitioner,

vs.

JAMES SALMONSON,

Respondent.

CV-18-27-GF-BMM-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Amended Order and Findings and Recommendations (Doc. 6) in this case on April 18, 2018, recommending dismissal of Petitioner John Nemetz's ("Nemetz") petition for writ of habeas corpus under 28 U.S.C. § 2254. Nemetz has failed to timely object to the findings and recommendations, and has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston found, and this Court agrees, that this matter should be dismissed because Nemetz has not filed an individual petition for habeas corpus relief as directed. Nemetz is precluded from filing his request for habeas relief en

masse with other petitioners. Thus, his petition will be dismissed without prejudice.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL. Nemetz's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 24th day of July, 2018.



Brian Morris
United States District Court Judge